SPEECH

OF

HON. JOSEPH R. CHANDLER,

ON THE

BILL TO ORGANIZE TERRITORIAL GOVERNMENT IN NEBRASKA.

"Ought we now to disturb the Missouri Compromises?"—PRESIDENT POLK.

HOUSE OF REPRESENTATIVES, APRIL 5, 1854.

The House being in the Committee of the Whole on the state of the Union—

Mr. CHANDLER said:

Mr. CHAIRMAN: I propose addressing the committee at the present time, in opposition to the bill now in the Committee of the Whole on the state of the Union relative to the Territory of Nebraska. My remarks will be destitute of all attractions resulting from extremes of views, as they will be deficient in that interest which is created when a southern man becomes the opponent, or a northern man the advocate of the bill.

For the present, sir, I shall limit my remarks to the great features of the bill, and the arguments which have been used in its favor; and though I may approve of some and dislike others of the amendments with which the bill of the Senate is made more or less palatable, I shall not attempt to discuss any of them now, as whatever may be their character, they do not affect the great question of public faith involved in the main features of the measure.

Nor can I now turn aside to weigh the testimony for or against the assertion, that he who was the great pacificator of the Senate was the advocate or author of the compromise of 1820. Undoubtedly it would be gratifying to know that we are to sustain the principle which he subsequently approved; but if it should appear that he was not the author of that measure, nor, from a special circumstance of place, its advocate, then we lose only the *a fortiori* portion of the argument which was built upon his name. The measure remains with all its healing character. Nor shall I be driven from the grounds I have taken by the charge that I shall be found acting with Abolitionists, as I also have refused on other occasions to yield to the intimation of danger from voting and speaking with the extreme of the South. I am not afraid to trust to the righteousness of my cause, and I welcome all who will assist me with their vote.

Some experience in this House has taught me that a man who is a professed Abolitionist may nevertheless be a hospitable gentleman, a ripe scholar, and a powerful orator, capable of masterly efforts, even on subjects not connected with his speciality. And I have learned also, on the other hand, to admit that religious or political sentiments quite opposed to my own, professions of strange abstractions which I cannot comprehend, and a residence among and advocacy of institutions quite antagonistic to those of my own locality, are quite consistent with purity, piety, and patriotism.

I shall be compelled to confine myself closely to my notes. The space allowed by the rules of this House for a speech is too short to admit of any amplification of the several divisions, or to risk discursiveness, into which I should, without notes, be tempted. The time permitted to me "rides upon the dial's point, beginning and ending with the hour."

I think it proper, at the threshold of my remarks, to say that the opponents of the Nebraska bills are absolved from all necessity of discussing the question of slavery in connection with their provisions. Negro-mania and negro-phobia, as certain sentiments or degrees of sentiment relative to a particular institution have been denominated, have necessarily nothing to do with the issue made on these bills. It is a question of contract, of honor, and of faith of white men with white men. Whatever benefit or injury the institution of slavery may have conferred or inflicted on negroes, the Congress of the United States never made a contract with them; never had a compromise to which the negro was a party.

The question then is: Shall the compromises of 1820 be maintained, or shall they be violated? The same spirit which rendered necessary the compromise in 1820 and in 1850 is yet in existence, and the same motives will give that spirit action. The compromises of the Constitution remaining, it is difficult to get at them. They are not to be reached with a simple enactment, as is the compromise of 1850; but they have no deeper seat in the heart of the people than has the compromise of 1820; and those who thoughtlessly or interestedly arouse public sentiment by violating

the agreement with regard to the Louisiana territory, may arouse a feeling that will reach yet further back; and men at the North may adopt the sentiment which the gentleman from Georgia [Mr. STEPHENS] imputed to his constituents; they may inquire, not "is it constitutional, but is it right—right in the abstract; not is it right in the compromise, not relatively, not as harmonizing feelings connected with the variant and often opposing interests, but nakedly, simply, abstractly, is it right?"

Our Constitution, our habits, our Government, our intercourse, are all founded on tolerance and compromise, which make some things constitutionally and legally right which a majority of our citizens do not think are abstractly right. This was known, sir, by the framers of the Constitution; this was known and felt in the admission of Missouri; this was acknowledged and acted on in the admission of Texas, and this constituted the necessity and grounds of compromise in 1850.

Mr. Chairman, is it wise at this time to renew the agitation which former compromises were intended to soothe, by presenting, without cause, a subject that must awaken disquiet and encourage agitation? But we are told that this is a northern offering, and southern men, regretting the fact, lamenting the movement, and privately condemning the scheme, are bound by local instincts to accept the offer. It is a boon to the South which southern representatives must accept, or else seem for a time to be derelict to the interests of their constituents.

Without stopping now to inquire about the fact of the North making the offer, or whether the South is bound to take every offer which is made without regard to national peace and general harmony, I say, if the South is bound to accept, while she regrets the presentation, the North, seeing the error of the movement, is not bound to press the offer. Let the northern representatives for a moment inquire, not what is the opinion of their constituents with regard to slavery or territorial government, but what is their view of national honor; not what is the wish of this Administration, or of that aspirant to exalted office, but how much above all present gratification, how superior to all party triumphs, is the pledged faith of the National Government, and how necessary to general peace and prosperity is the settled mind of the people, reposing in confidence on national pledges.

Let me not be told, sir, that what we are calling a violation of a compact "is only the repeal of a law," and that any law may be repealed whenever public good ceases to be promoted by its existence. However the celebrated enactment of 1820 may be denominated, it was, and is, a compromise. I want to hear no ingenious sophisms uttered to prove that it was a simple enactment. It was more; it was a yielding up by one part of the Union of what it released with pain and with violation of moral sentiment. It was a triumph, as far as it went, for another part of the Union, and was so regarded. The boundary for the institutions which the South approved was made; (though hesitatingly) it was *made* admissible to the conscientious views of one part of the country, and it gave freedom to the extension of the peculiar institution to the other part. It gave it, too, on a soil and in a climate where that institution could be most beneficial to its supporters.

I agree that a portion of the people in each part of the country expressed dissatisfaction with the provisions of the compromise; the North when the law passed, and the South while the compromise was under consideration. But when the bargain was completed the southern members boasted of their advantage. "It is naught, it is naught, saith the buyer; but when he is gone he boasteth." But we are told that northern men, having opposed the passage of the Missouri compromise, are now inconsistent because they oppose its repeal. That is another sophism—at any rate a *non sequitur*. The North opposed that compromise because it did not exclude slavery below 36° 30′ generally, while it admitted it (specially in the State of Missouri) far above it. And now they oppose the repeal of that compromise, because it not only admits slavery below 36° 30′, but it opens all north of that to the institution. There is, then, in the *repeal* for which the Nebraska bill provides, an enactment of all that could offend the opponents of the Missouri bill in 1820 with regard to their concessions for the permission of slavery—and equally a repeal of all that could have constituted their poor triumphs in the concession which was then made to them in favor of freedom. Is there any pretense that the grounds upon which that compromise was made have been changed? Is the sentiment at the North more favorable to the institutions of the South, even though more tolerant, than it was in 1820? Or are the estimates of the South relative to their peculiar institution less exalted? Are they not more extravagant when they can be pleaded as grounds for disturbing a compromise thus formed and thus sustained? I have—let me repeat it, sir—in these remarks, nothing to do with these different and opposite views. I neither applaud the one nor condemn the other. But I say that if the compromise was made with feelings and views such as these, a repeal of the act which constitutes the compromise is more than a mere abrogation of a law—it is the violation of national faith, and that at a time when all the conditions upon which that faith was pledged are extant and operative. And I will endeavor to show, in the course of my remarks, that this sentiment has been entertained and expressed by leading southern Democrats.

Were I disposed to multiply extracts, it would be most easy for me to prove to this committee that what we call the Missouri compromise, was indeed a compromise—a compromise in which the South boasted of its advantage; and the taunts of the honorable gentleman from Georgia, [Mr. STEPHENS,] a few weeks since, showed that it was not the legal force of any compact that was to be regarded, but the sense of right at the moment entertained. Not the Constitution, but what is right, was the triumphant assertion of that honorable gentleman. Such an assertion from a northern man would have included the heresy of "a higher law."

Sir, there is pervading society a fixed sentiment which shows the intention of parties. When ingenious men, or some partial judge, assert that the sentiment is ill-founded—that what has fixed public opinion and influenced public conduct for years is to be unsettled by a verbal discrepancy or some latent meaning of a subsequent enactment, there springs up a fierce hostility to the measure to be benefited by the decision—a hostility worse

than that which the direct repeal of the measure of compromise would have provoked.

I say to you, sir, that the public sentiment at the North—nay, sir, so far as I can learn, at the South also—is more outraged by the attempt to show that there was really no compromise in 1820, or that it was quietly, secretly repealed in 1850, than it is by the bold attempt to repeal it by the legislation of 1854. The trickery of the attempt is more offensive, because more dangerous, than the bold assault. Everywhere, sir, there was a belief that slavery was excluded from certain territorial acquirements north of 36° 30′. Few men stopped to examine the statute—all parties consented, and the South boasted. Another compromise was made in 1850. Ours, sir, is a nation of compromises; ours is a Constitution of compromise. Ours, sir, are institutions of compromise; and the legislation of 1850 gave to the institutions of the South larger range and the chance for a wider scope, more ample extension north and west, than they had before. But the concession was specific; the boundaries were defined, and the new extent was fully set forth.

But it is said that the compromise of 1820 was intentionally repealed by the compromise of 1850; that the intention was to produce a finality by establishing a principle of non-intervention for future use, and that that idea influenced the action of the Thirty-First Congress. Sir, I deny the assertion. I boldly deny it. I was a member of the Thirty-First Congress—that which passed the compromise bills of 1850. I was a constantly attending member. I was conversant with the whole course of legislation relative to the five acts called the compromise. I was familiar with the course of argument in the House, and the spirited discussions and earnest pleas out of the House, and on both sides of the House; for then, sir, the House had two sides. I joined in that compromise, and gave up certain views which I had cherished, and thus became interested in the whole proceedings. And I say unhesitatingly; I say it with a full recollection of all the words and deeds of that momentous period, there was nothing said or done to lead me to the supposition that the concessions then made by members on each side were to interfere with, or work a repeal of, the compromise of 1820. Nay, sir, I declare that while the advocates of that measure never hinted at a repeal of the Missouri compromise, as intended by or a consequence of the passage of the "five bills," the northern opponents of the compromise of 1850, in all their ingenuity to devise arguments against the measure, never conjured up such an unlikely bugbear. Men were rash at that time, and occasionally unreasonable, perhaps, on both sides; but they were not ridiculous. And I say here and now, unhesitatingly, that had the least suspicion been entertained in this House that the enactments of the compromise of 1850 would have been construed into a repeal of the compromise of 1820, or that they would have ultimately led to any such result, those five bills would have been voted under the table, or what is the same thing, they would have been put upon the Calendar and have been forgotten.

Mr. BAYLY, of Virginia. Will the gentleman allow me to interrupt him only to say that I take issue with him on that point.

Mr. CHANDLER. Certainly. I am right so far as regards the understanding of myself, and all the members of the Thirty-First Congress with whom I have conversed.

Sir, had a suspicion of such a motive or such a result been breathed in this Hall, not a man of all those who overruled the decision of the Speaker of *that* Congress would have followed between the tellers, the distinguished member who is the Speaker of *this* Congress overruling that righteous decision; doing wrong for the sake of the right; reversing a rule for the sake of a principle; making parliamentary law yield to the necessities of the nation.

Nay, sir, the leader of that important movement, now our Speaker, would never have undertaken a work so deceptive—never would have risked his fame on such an enterprise. The state of public affairs required much exertion—much sacrifice—but no situation can warrant a public man in deceptive acts. None, I venture to say, would tempt that man to their commission.

The compromise of 1820 remains unimpaired, its obligations perfect, and no principle of any subsequent enactment can be admitted as the cause of their abrogation, without the violation of legislative intention; and no positive law, repealing their binding force, can, under present circumstances, be passed without outrage to public sentiment, and violence to the confidence reposed in congressional faith.

But, sir, this assertion of the direct or virtual repeal of the compromise of 1820 by the acts of 1850, is not made in good faith; if it is, let it be tried. If the act is really repealed, then why legislate? Let those who believe in this repeal show their faith by asking for no further repeal. Let the man who asserts that there is nothing now binding in the restrictions of the Missouri compromise, show the sincerity of his belief by forbearing all agitation at the present time, and trusting to the decision of the United States courts in favor of the repealing action of the United States Congress.

But, say the advocates, or rather the apologists of the bill, slavery will never go into Nebraska, the climate and the soil of that immense territory forbid it. The nature of the products, and the peculiar capability of the land, render slavery impossible, because they will make slavery unprofitable; and therefore, it is said, the opponents of slavery have nothing to fear from the violation of the Missouri compromise.

Now, if I were disposed to make an argument with reference to slavery, I should not fail to refer to the fact that slavery does exist in latitudes much higher than those of the proposed Kansas, and that there is nothing, therefore, in climate to render impossible the introduction of that institution into the proposed Territory; but I repeat, what I have already said, that whatever may be the feelings of representatives north of Mason and Dixon's line, or rather the representatives of free States here, on the subject of slavery in the abstract, it is not their policy, it is not my intention to build any argument upon feelings or opinions for or against that institution. Slavery exists by compromise; and arguing, as I wish to do, against the violation of compromises on the subject of slavery, I shall not seek to disturb any of the compromises in favor of slavery. Compromises existing perhaps as well in the tacit admission, the

quiet allowance of slavery and its consequences, as in enactments and ordinances.

But if slavery cannot go into the Territories to be erected by this bill, why does this bill seek to give it permission to go there? If there is no possibility of taking slaves into Nebraska, why seek to disturb a compromise that has stood for thirty-four years? Why violate a pledged faith to meet an abstraction? What is the use of agitating the whole country from north to south, to permit that which can never take place, and to give liberty to do that which no one can desire to do? Why wantonly violate a pledge, why causelessly prove faithless to a compromise, when one party is to be aggrieved and injured by the faithlessness, and the other party is to derive no benefit from the perfidy?

But opponents of the measures proposed, and the bills now happily referred to the Committee of the Whole, are met with another and a more taking species of argument, a new ground of action, viz: "The right of every political community to govern itself; and the popular catch-word is passed round this Hall and round the country—"non-intervention;" a word, sir, of very expansive qualities, and of multiform signification. If anybody wishes this nation to keep clear of tangling alliances with foreign Powers, "non-intervention" expresses the object exactly. If a party desire that this nation should interfere to prevent the interference of Russia in the affairs between Austria and Hungary, *non-intervention* is the word. If a fillibustering expedition sets forth from New Orleans or New York for Cuba, it is for the glorious purpose of "non-intervention;" and now that an attempt is made to violate the most solemn compact that ever this nation formed by its legislative concessions and enactments, that interference is called "non-intervention."

"I hold," says the advocate of the Nebraska bill, arguing here and elsewhere, "I hold that the true democratic doctrine is that every community shall have the power, as it has the right, to regulate its own concerns." And every paper friendly to the bill, [which I take up,] illustrates the new doctrine with the remark, or a similar one, that "Massachusetts, New Hampshire and Pennsylvania have as much the power now to reintroduce slavery within their respective boundaries as they had to exclude it. Massachusetts, New Hampshire and Pennsylvania are political communities, and so will Nebraska and Kansas be when this bill shall have passed."

That is the argument, and that the apt illustration. Mr. Chairman, it is impossible that men can be insensible to the miserable sophistry of such a course of argument.

In the first place, Mr. Chairman, it is not true that every community has a right to make laws for its own government. It is not true, in the fullest extent, of any community, or political body, or sovereign State of this Union. Everybody knows that the Legislature of New York has no right to pass any law in violation of, or repugnant to, the laws and Constitution of the United States. The sovereignty of every State is limited by the sovereignty of the United States, and the Supreme Court of the United States, that branch of the sovereign Government, will put a veto on any unconstitutional enactment. But, leaving this part of the illustration, allowing the States the right, in their limited sovereignty, to pass laws for their municipal concern, and, for the moment, granting that the northwestern States, as States, as sovereign States, are not estopped even by the ordinance of 1787, nor the compromises of 1820, from permitting slavery within their jurisdiction, still that has nothing to do with the right, power, and condition of the territorial governments. They are in their pupilage. They, while dependent on the General Government for existence and support, are liable to all the disabilities, by contract or otherwise, of the General Government, with reference to their boundaries and their right. I say disabilities, because it is evident that the General Government had no right to establish slavery, or rather it was prohibited from establishing slavery in certain portions of the Northwest. How, then, is that Government to grant to a Territory, which it governs and sustains, a right or a power which it does not possess? Bestowing what it has not.

You will perceive that I do not allude to the sovereignty of a State. Within the bounds of the Constitution and constitutional laws, such a State may of course introduce or prohibit slavery, and the Government of the United States, this Congress, cannot prevent it. It *permits* sovereignty, and it must submit to the exercise and consequences of that sovereignty. The people of a State decree their own existence, and form their fundamental law; and if Congress consents to the admission of that people into the Union with such a fundamental law as is presented, or with such alterations in that law as it may itself suggest, then sovereignty is conferred, for the first time, upon the applying community, and municipal independence is decreed. The people of the State had willed the movement. The people of the new State had prepared the constitution which, being approved by Congress, becomes their fundamental law; and the fiat of the parent Government gives to them political life and sovereignty. You see it is all of themselves, excepting the approval of Congress.

Now, is there any idea of giving to Nebraska or Kansas any such government as this? Are these Territories now, indeed, struggling into political independence? Or rather, are we not providing for the embryo beings that are to be nourished in the political womb till the full time of parturition shall have come?

Sir, Nebraska has never thought of independence and sovereignty. It has never shown a sign of self-existence or self-government; and the form of government which the bill proposes to which I speak gives no sovereignty yet; it is only preparatory.

The argument that a political community has a right to regulate its municipal matters, is not only unsatisfactory and groundless, as applied to a territorial government, but it is in exact opposition to the provisions of the bills which now occupy the attention of this committee. Have the people of Nebraska had anything to do with the construction of that bill? Have they been in solemn convention on the wide plains of their deserts, or beneath the wigwam shelter of the Pottawatomies or Kickapoos? The fundamental law of the proposed community, instead of being the work of a people whom that law is to govern, as every principle of republican independence requires, instead of being suggested by the expe-

rience of these men whose lives and property it is to protect or destroy, is formed *dehors* their boundary, and is to be administered by officers in whose appointment they can have no voice.

Nay, sir, though there may be a sort of Territorial Legislature, yet every law which that body propounds, (for it can enact none,) every bill which that body prepares and ordains, is liable to the revision and veto of this Congress of the sovereign nation. And the Delegate whom that Territory may place upon this floor to look after its affairs, and to advocate its interests, even should he understand the language of this body, or failing in that, be more successful than the Delegate from New Mexico in an attempt to procure an interpreter, he may see the municipal enactment of his semi-sovereign Territory scattered to the winds, and he not allowed to give a vote in behalf of the municipal ordinance. Sir, it is very evident that the claim of the right of self-government for the Territories, and this attempt to apply the doctrine of non-intervention, to the government of dependencies, is wholly untenable.

The doctrine of the independence of Territories, the sovereignty of a people, whose rulers are not of their own election, is altogether novel—new as it is (I will not say ridiculous)—new as it is inapplicable, a perfect solecism in politics. It was not heard of in Congress when Oregon was admitted. It had not been brought hither as late as the last Congress, when Washington was set off. More than that, nothing was said about the unpledged sovereignty when the Nebraska bill passed this House a year ago.

No point is more emphatically settled by Marshall, Story, and Kent, than that of the dependence of Territories, and no doctrine is therefore better established than that of the right and duty of Congress to interfere in the municipal concerns of any and every Territory which this body creates. It is a *right* which has never before been denied, and which Congress asserts when she authorizes the President to appoint their officers, executive and judicial, and retains a negative upon their legislative enactments. And it is a *duty* which Congress performs when it provides and continues means for legislation, and assists in nursing and rearing the pupil into a State fit for municipal independence in the form of State sovereignty.

But these opinions of the grave and reverend seniors of the judicial bench may not be sufficient for modern progressionists, and they may say, with the man in the play, "*nous avons changé tout cela.*" We have changed all that.

The idea that age, and experience, and learning give no weight to opinions, is, I know, prevalent now, as it was in biblical times; and young America, like young Israel, is apt to scout the lessons of wisdom; and, scoffing at age and experience, exclaim, "Go up, old baldhead."

Let us, then, look at a few remarks of men in the political arena, who are the guides or associates of the advocates of this bill.

Mr Calhoun, in his speech in March, 1850, the year of the latest compromise, remarks:

"In claiming the right for the inhabitants, instead of Congress, to legislate for the Territories, the Executive proviso assumes that the sovereignty over the Territories is vested in the former: or, to express it in language used in a resolution offered by one of the Senators from Texas, [General Houston,] have 'the same inherent right of self-government as the people in the States.' *The assumption is utterly unfounded, unconstitutional, without example, and contrary to the entire practice of the Government, from its commencement to the present time.*"

And that language of the distinguished Senator, is consistent with that which he held on the same subject in 1848, when he scouted the idea that Oregon had a right to preclude slavery. He asserted boldly and truly the doctrine that the sovereignty of the Territories, prior to the organization of a regular State government, resides in the people of the respective States of the Confederacy represented in Congress.

I add another extract. Mr. Westcott, of Florida, in a most elaborate argument on this question, said:

"The people of a Territory, by which I mean those recognized *as citizens of the United States*, residing in such Territory, cannot exercise any of the sovereign powers that pertain to a sovereign and independent State, except such as are absolutely necessary to the preservation of the peace and good order of society." "Until they form and organize their sovereign State government, their rights of sovereignty are dormant and in abeyance." "Yes, sir, this thing you create and call a territorial government, is a mere temporary, fugacious, local police institution—a limited, dependent, municipal corporation, similar to those existing in counties, cities, parishes, towns, or boroughs, incorporated by our State Legislatures." "The institution of domestic servitude is a *political* institution; it is not a mere *municipal* regulation."

A southern paper, the South Side Democrat, published at Petersburg, Virginia, says:

"There is no analogy between the condition of the Territory in pupilage and the Territory which has fulfilled the requirements of the Constitution, and is prepared to enter the Union as a State. In the latter case, the Territory is in the chrysalis. It is regulating its internal affairs with the expectation of admission into the Confederacy as a sovereign copartner. It enjoys the same *conditional* rights to regulate its domestic institutions as a State. To introduce or abolish slavery is an attribute of sovereignty. The Federal Government is not sovereign, except in a range of clearly-defined powers and incidents, of which authority to legislate on the subject of slavery is not one; and, consequently, it has no right to vest in territorial legislation, organized under its supervision, any such power.

"When the Territory is ready to ask admission, its people are clothed with inchoate sovereignty, and by virtue of it may prompt their representatives in convention to inhibit or establish slavery. On applying for admittance, Congress can refuse it unconditionally, but has no power to make any other condition, saying that it shall present a republican form of government. When admitted, the inchoate sovereignty of the Territory becomes perfected, and the rights exercised by virtue of it are given full force and effect. When the application is refused, the Territory is thrown back into pupilage, and the rights exercised by virtue of like incipient sovereignty rendered inoperative and void. This, as we understand it, is the true constitutional theory respecting the Territories. It is the only one, in our judgment, consistent with that instrument and the equality of the States."

A distinguished Senator in his Nicholson letter argues against the right of Congress to interfere with the affairs of Territories, because the Constitution of the nation speaks only of the power of the General Government to dispose of and regulate the territory—territory regarded as property in fee, not as included in sovereignty. And thence an argument is made that no power exists in Congress to make laws for the embryo States, which we call Territories, or districts.

There seems to be a forgetfulness of one or two facts—

First. That when the Constitution was formed tnere was only a *Territory;* there were no Territories for which to provide; and,

Secondly, that the framers of the Constitution did not look to territorial extension in this coun-

try; and that the addition of new States was to be looked for generally from the division of old ones.

One political party, early in our constitutional history, vehemently denied the right to extend national boundaries; and Mr. Jefferson carried into effect a great measure of national extension, in the full conviction, at least in the strong apprehension, that the act was unconstitutional. And, sir, the Territory that did possess a *quasi* municipal existence was governed, not by ordinances of their own enactment, but by the administration of United States laws by United States officers.

Sir, territorial governments were not understood—scarcely anticipated—when the Constitution was formed, and that accounts for the indefiniteness of the reference of that instrument to such a class of government; but no man could have doubted that the infant community must have derived its protection and its direction from the same source.

Mr. Chairman, I have given more time to the consideration of this branch of the subject than I should have done was I not aware of the effect upon the public mind of such popular catch-words and *ad captandum* phrases as "self-government," "non-intervention," and "the rights of communities to make their own laws."

But, Mr. Chairman, we are not to regard slavery in the Territory of Nebraska as a mere municipal institution, or rather, it is not merely municipal in its character in Nebraska. It might be in Virginia or Maryland, but the question here connects itself necessarily with the faith of the nation, and North as well as South is concerned in the pledge of that faith, and they are equally concerned in its redemption or support.

Sir, I have nothing to do here with slavery in the abstract. I admit the legality of its existence; I acknowledge the binding operation of the Constitution, and I submit to all the laws of Congress which have been enacted with reference to that institution. Slavery, sir, may be deserving all the condemnation which has been uttered against it on both sides the Atlantic. Yet I shall not feel bound to discuss or to condemn it here. Or, it may be, that it is worthy all the splendidly poetic halo with which the eloquence of the honorable gentleman from North Carolina [Mr. KERR] recently invested it when he made it the spirit of domestic delight and comfort, as his "tongue grew wanton in its praise." But even then, sir, I have neither mission nor acceptance to interfere with it as it legally and constitutionally exists.

The arguments for or against this bill are not founded on the beauty or deformity of slavery. Both of these have been greatly exaggerated, without doubt. The question is simply, "Shall the faith of Congress be maintained?" Shall the solemn pledge of the whole nation, as deciding between the antagonistic views of parts, be kept? Or shall it be like that of Carthage? It is dishonorable in one nation to violate its pledge to another; scorn, universal detestation accompanies such turpitude, even though the faithless nation aggrandize or strengthen itself by the perfidy. Sir, I say that such a violation of faith is dishonorable. But when a nation violates its faith to its parts, when it is perfidious to confiding portions, it generates contempt for itself and hostility between its members. To the dishonor of violated faith it adds the danger of disintegrated portions.

While on the subject of the sanctity of compromises in a Government such as ours, it may not be amiss to refer to the opinions expressed by Mr. Polk in his special message on signing the Oregon bill. Mr. Polk was a southern President, with strong southern feelings, and, undoubtedly, he owed his nomination to the open and timely expression of his sentiments with regard to the admission of Texas into the Union, thereby adding to the number of slave States.

Mr. Polk believed that the compact of the nation must be maintained; and he stood ready, as he asserted, to place his veto on any bill which violated a compromise. The Oregon bill, sir, bore with it the Wilmot proviso; and, though President Polk did not approve of that provision, yet, because it was applied north of 36° 30', and hence was not inconsistent with the Missouri compromise, he gave his sanction to the bill. But he said boldly, openly:

"Had the bill embraced territories south of that compromise, the question presented for my consideration would have been of a far different character, and my action upon it must have corresponded with my convictions."

I call the attention of honorable gentlemen to the emphatic language of President Polk, which I have cited *verbatim*. And those who regard this bill as a mere repeal of an ordinary law, a statute superseding a statute, will see that he calls the Missouri compromise by its right name; he recognizes it as a *compromise* in the use of the very word, and especially in the sanctity with which he thinks it invested. He comprehended the difference between a common act of Congress and that solemn enactment intended to confirm and perpetuate the harmony of various sections of the country, by perpetuating the legislation of compromise upon which that harmony was established.

President Polk repeats his assurance of a veto in case the compromise of 1820 should be impinged on by any bill of Congress presented for his signature. It is true that his argument happens to be founded on the supposition of an attempt to extend the prohibition of slavery below the line of 36° 36'; but it would be injustice to the memory of that statesman to suppose that he would not have manifested equal zeal and equal regard for national faith had he been anticipating or considering an attempt to legislate slavery into the country north of the limit prescribed by the act of 1820. President Polk's signature to the Oregon bill, which contained the Wilmot proviso, showed how little he thought of such a doctrine as non-intervention. And his threat of vetoing any bill that looked to a violation of the Missouri compromise shows his opinion of that measure, and his strong abhorrence of any attempt to violate the pledged faith of the nation.

Sir, fidelity to agreement, fulfillment of contract, respect for pledges, are duties of nations to nations, even when they are antagonistic. But between a Government and its parts, beside all these duties, which are no less obligatory, no less solemn, is superadded the consideration of policy, of expediency. Whatever may be the conduct of one community with another, no community can exist with pledges violated to its parts.

"Devils with devils damn'd firm concord hold."

I am aware that we have occasionally the plea

made in behalf of these Nebraska measures, that whatever may be the binding character of the compromises of 1820 and 1850, the quiet of the nation will be consulted by establishing the doctrine of non-intervention in territorial governments, so as forever to remove from Congress the subject, as it regards territory now possessed and territory yet to be acquired. I confess that such a proposition sounds well. Sir, at what a cost are we purchasing peace in these Halls? The price is the violation of the pledged word of the nation, the faith and honor of the Congress of this great Republic. It is paying too dear for the article. Sir, I will not reply to an argument that sustains expediency with perfidy, and would establish peace by outraging the moral sense of the nation.

In referring to the pledges of our nation, which the Nebraska bill tends to violate, let me give one moment to a consideration of the effect which its passage would have on some of the Indians in that great Territory.

Do you not see, Mr. Chairman, to what a state of misery—of horrible misery—this bill, if passed, must drive those men and their families, whom we chase from frontier to frontier, whom we legislate or bargain from the comfort of a species of home and a kind of civilization, to the savage life of their distant progenitors?

Sir, the professions of our country to these poor men have been kind and humane; its practice has been barbarous in the extreme. The wild Camanche, or Apache, enjoys his freedom, and has a taste even for the miseries of his condition; he has known nothing better; he can appreciate nothing that is superior. But the Indians with whom we have treated have been removed within the benefits of border civilization—they have acquired some knowledge of, and some taste for, the comforts and conveniences of civilization. More than that, they have, in some cases, submitted their heads to baptism and their hearts to Christianity. And when religion has begun its work of meliorating domestic and social manners, and their wilderness has begun to blossom like he rose, they have been driven, by treaty or force, from their homes, and sent to steep themselves anew in barbarism, and to forget, if they can, the decencies and enjoyments of social life and Christian graces.

Who has thought of the cruelty of this? Who has, in summing up the injuries which our half measure of kindness has inflicted on these "lords of the soil," taken into consideration this terrible element of mental suffering? Sir, it must be horrible for the red man to be driven from the fields he has begun to cultivate, and the civilization he has begun to relish, and look around him and see in the place of these the wildness of the uncultivated waste which he had begun to forget, and yet feel within himself all the new-born taste for domestic life which he had begun to exercise. To look around and see the hereditary enemy of his tribe armed for the renewal of only a hereditary quarrel, and he, forced to defend himself without the stimulus of an hereditary hate; to feel within himself the impulses of social enjoyment and domestic quiet, love of peace, and the desire for ligious calm, and to find all around him independent confusion and atheistic disorder. Can you imagine anything worse than men touched with a love for social life, and blest with a taste for its enjoyment, and then driven to the misery of a savage condition, without the means and habits necessary to savage support?—with laws and terrors which, like flaming swords, keep them from the paradise whence they are banished, and confine them to the miseries to which they are driven?—a sense of inability to move, to act, and yet a consciousness of all that is acting upon them?

> "It is as if the dead should feel
> The icy worm around them steal."

I will not trespass longer on the time of this committee. I have avoided violence of manner; I have eschewed offensive expression; I have treated the subject as one eminently deserving the solemn consideration of national Representatives.

And now, sir, I call upon all the opponents of this bill to stand fast to the principles of national faith and national honor. I ask the Whigs to give no heed to the sneer that "the Whig party is rent in twain by the difference of opinion entertained and expressed on the Nebraska bill." No such result can follow. A party founded on principle will exist as long as there are measures to bring those principles into action. The Whig party has more to fear from the tumbling ruins of the Democratic party than from any deciduous qualities in itself.

Sir, the honorable gentleman from North Carolina [Mr. CLINGMAN] yesterday referred commiseratingly, if not tauntingly, to the decay of the Whig party in the East—a party in which he was reared, and by which he attained his well-worn honors. He was ignorant then of the news which was flashing along the wires from Connecticut.

Mr. CLINGMAN. I had heard of it.

Mr. CHANDLER. Then it was a very unfortunate speech.

Sir, it is not the life of a party that we ought to consider so much as the mission of that party; nor will the difference of members of the Whig party on this question prevent their union on others. Sir, the party that has been led and taught by a Clay and a Webster, have loftier aims than expediency, nobler ends than mere self-preservation. They are ready to declare, and to act upon the declaration, "that the duties of life are greater than life."

For myself, sir—and I think I may say for every Whig who stands with me here or elsewhere, on the principles of our party; nay, sir, I speak for all who act with me on this question, of whatever party—we shall never cease to contend for what, as a party, we deem right and lawful—contend faithfully, contend earnestly; and if we must fall in the contest, we ask only the Spartan epitaph above our graves:

"We lie here in obedience to our country's command."

Printed at the Congressional Globe Office.